



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,980	10/12/2001	Toshitada Kameda	08384.0001	8109

22852 7590 03/06/2006

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

TOMASZEWSKI, MICHAEL

ART UNIT	PAPER NUMBER
----------	--------------

3626

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/974,980		KAMEDA, TOSHITADA	
	Examiner		Art Unit	
	Mike Tomaszewski		3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>27 July 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice To Applicant

1. This communication is in response to the application filed on 12 October 2001. Claims 1-33 are pending. The IDS statements filed on 27 July 2004 and 11 July 2002 have been entered and considered.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because the length exceeds 150 words. Correction is required. See MPEP § 608.01(b).

Art Unit: 3626

4. The abstract of the disclosure is objected to because it includes reference numbers. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 5-7, 9, 11, 13, 15 and 17-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Kameda Medical Information Laboratory (EP 0 784 283 A1; hereinafter Kameda).

- (A) As per claim 1, Kameda discloses a system for aiding a medical care schedule and/or record comprising:

- (a) a plurality of files for respectively including medical care data indicating one of a plurality of types of medical care actions, which are set in advance, in correlation with execution timing data indicating an execution timing of respective one of the medical care actions (Kameda: col. 3, lines 37-57; col. 22, line 53-col. 23, line 5; col. 38, lines 8-20; Fig. 2A-2B);

- (b) a display controlling device (Kameda: col. 19, lines 18-47; col. 35, lines 35-40; Fig. 1) for
 - (i) generating first display data to display the medical care data composing the medical care schedule and/or record or one patient in a format of a medical care schedule and/or record table, in which the medical care data are arranged in first rows for each type of the medical care actions and in second rows orthogonal to said first rows for each date, as for only a partial period of a whole period of the medical care schedule and/or record for said one patient, on the basis of the medical care data and the execution timing data included in said files (Kameda: col. 23, line 24-col. 26, line 26; Fig. 2A-9); and
 - (ii) generating second display data to display a table identification mark information, which is to identify the medical care schedule and record table for said one patient, as a patient chronological table exclusive for said one patient in which the table identification mark information is arranged at a position corresponding to the partial period on a time axis in/eating the whole period of the medical care schedule and/or record (Kameda: col. 23, line 24-col. 26, line 26; Fig. 2A-9);

- (c) a display device for displaying the medical care schedule and record table on the basis of the first display data, and displaying the patient chronological table on the basis of the second display data (Kameda: col. 16, lines 57-59; col. 23, line 24-col. 26, line 26; Fig. 1-9); and
 - (d) a selecting device for selecting one of a plurality of table identification mark information under a condition that the patient chronological table comprising the plurality of table identification mark information is displayed by said display device (Kameda: col. 9, line 15-col. 10, line 8; col. 16, lines 42-44; col. 18, lines 1-50; col. 20 lines 9-52; col. 23, line 54-col. 24, line 45; col. 34, line 50-col. 38, line 40; Fig. 1-9);
 - (e) said display controlling device taking out one or a plurality of said files storing the medical care data constituting the medical care schedule and record table identified by the table identification mark information selected by said selecting device, to thereby generate the first display data by using the medical care data stored in the taken out file or files (Kameda: col. 16, lines 49-59; col. 20, line 9-col. 21, line 16; Fig. 1-9).
- (B) As per claim 2, Kameda discloses a system according to claim 1, wherein:
- (a) said display controlling device generates the first display data to display the medical care schedule and record table as for only part of the types of the medical care actions, generates the second display data to display the

table identification mark information individually for each of the part of the types (Kameda: col. 16, lines 49-59; col. 20, line 9-col. 21, line 16; Fig. 1-9).

(C) As per claim 6, Kameda discloses a system according to claim 1, wherein said display controlling device generates the second display data to display text information given to respective one of the table identification mark information at a position adjacent to the respective one of the table identification mark information in the patient chronological table (Kameda: col. 16, lines 49-59; col. 20, line 9-col. 21, line 16; Fig. 1-9).

(D) As per claims 18, Kameda discloses a system according to claim 1, wherein said display controlling device generates the second display data to further display a clinical data existence period mark information in the patient chronological table, said clinical data existence period mark information indicating a clinical data existence period, in which clinical data related to one series of clinical actions among the medical care data exist and being shaped in a bar having a length corresponding to the clinical data existence period on the time axis (Kameda: Fig. 1-9).

(E) As per claims 20, Kameda discloses a system according to claim 1, further comprising a date and time measuring device for measuring a present date and time, wherein said display controlling device generates the second display data to further

Art Unit: 3626

display a present date and time mark indicating the measured present date and time within the patient chronological table (Kameda: col. 22, line 53-col. 23, line 5; Fig. 1-9).

(F) As per claims 22, Kameda discloses a system according to claim 1, further comprising a data and time measuring device for measuring a present data and time, wherein said display controlling device generates the first display data to further display a present date and time mark indicating the measured present date and time within the medical care schedule and record table (Kameda: col. 22, line 53-col. 23, line 5; Fig. 1-9).

(G) As per claims 24, Kameda discloses a system according to claim 1, further comprising an input device for inputting the medical care data on the medical care schedule and record table (Kameda: col. 16, lines 42-44; col. 22, lines 22-25; Fig. 1-9).

(H) As per claims 26, Kameda discloses a system according to claim 1, wherein each of said files comprises an object file for including the medical care data and the execution timing data and further including procedure information, in accordance with which said display controlling device generates the first display data (Kameda: col. 21, lines 23-col. 22, line 21; Fig. 1-9).

(I) As per claims 28, Kameda discloses a system according to claim 1, wherein said system comprises two units communicated to each other through a communication line,

Art Unit: 3626

wherein said files are provided in one of the two units, and said display device is provided in another of the two units (Kameda: col. 16, line 15-col. 16, line 26; Fig. 1-9).

(J) Claim 29 substantially repeats the same limitations of claim 28 and is therefore, rejected for the same reason given for claim 28, and incorporated herein.

(K) Odd Claims 3-27 substantially repeat the same limitations of claim 1, even claims 2-28, and claim 29 and are therefore, rejected for the same reason given for those claims, and incorporated herein.

(L) Claims 30 and 31 substantially repeat the same limitations as claim 1 and is therefore, rejected for the same reasons given for those claims, and incorporated herein.

As per the recitation of "a program storage device" and "a program of instructions," note Kameda's teachings of, *inter alia*, a medical care data storing device, a memory device, and a communication line in communication with the devices (Kameda: col. 16, line 1-col. 21, line 16; Fig. 1 and 3).

(M) Claims 32 and 33 substantially repeat the same limitations as claim 3 and is therefore, rejected for the same reasons given for those claims, and incorporated herein.

Art Unit: 3626

As per the recitation of "a computer data signal embodied in a carrier wave" and "a series of instructions," note Kameda's teachings of, *inter alia*, a medical care data storing device, a memory device, and a communication line in communication with the devices (Kameda: col. 16, line 1-col. 21, line 16; Fig. 1 and 3).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4, 8, 10, 12, 14, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kameda as applied to claim 1 above, and further in view of knowledge available to one of ordinary skill in the art.

(A) Claim 4 substantially repeats the same limitations as claims 1-2 and is therefore, rejected for the same reasons given for those claims, and incorporated herein.

As per the recitations pertaining to "magnified portion," "portion to be magnified," "data to magnify," and the technique of magnification in general, it is respectfully submitted that the technique of magnifying, *inter alia*, display windows, tables, data and

Art Unit: 3626

documents, is well known and obvious. One of ordinary skill in the art would have found it obvious at the time of the invention to incorporate this technique with the motivation of presenting information in a format that is easily viewable for a physician so he or she can rapidly comprehend the information (Kameda: col. 9, line 46-col. 10, line1).

(B) Claim 8 substantially repeats the same limitations as claims 1-2, 4, and 6 and is therefore, rejected for the same reasons given for those claims, and incorporated herein.

As per the recitations pertaining to “a pop-up specifying device,” “to be pop-up-displayed,” “to pop-up-display,” and the use of pop-ups in general, it is respectfully submitted that the use of pop-ups to, *inter alia*, display information, messages and images, is well known and obvious. One of ordinary skill in the art would have found it obvious at the time of the invention to incorporate this technique with the motivation of presenting information in a format that is easily viewable for a physician so he or she can rapidly comprehend the information (Kameda: col. 9, line 46-col. 10, line1).

(C) Claim 10 substantially repeats the same limitations as claims 1-2, 4, 6, and 8 and is therefore, rejected for the same reasons given for those claims, and incorporated herein.

As per the recitations pertaining to “information in a bar shape, which has a length corresponding to a period covered...with respect to the time axis,” it is respectfully submitted that it is a commonly used technique to graphically format

Art Unit: 3626

information in a variety of ways using, *inter alia*, bar shapes, bar lengths, bar sizes, graphs with various axis variables, labels and colors. One of ordinary skill in the art would have found it obvious at the time of the invention to incorporate this technique with the motivation of presenting information in a format that is easily viewable for a physician so he or she can rapidly comprehend the information (Kameda: col. 9, line 46-col. 10, line1).

(D) Claims 12 and 14 substantially repeat the same limitations as claims 1-2, 4, 6, 8, and 10 and are therefore, rejected for the same reasons given for those claims, and incorporated herein.

As per the recitations pertaining to "point shape" indication marks, it is respectfully submitted that it is a commonly used technique to graphically format information in a variety of ways using, *inter alia*, point shapes, point sizes, bar shapes and lengths, graphs with various axis variables, labels and colors. One of ordinary skill in the art would have found it obvious at the time of the invention to incorporate this technique with the motivation of presenting information in a format that is easily viewable for a physician so he or she can rapidly comprehend the information (Kameda: col. 9, line 46-col. 10, line1).

(E) Claims 16 substantially repeats the same limitations as claims 1-2, 4, 6, 8, 10, 12, and 14 and is therefore, rejected for the same reasons given for those claims, and incorporated herein.

As per the recitations pertaining to "age of said one patient," it is respectfully submitted that it is a well known technique to simultaneously display pertinent patient information such as, *inter alia*, name, age, birth date, calendar data, chronological patient history, treatment and medical ailment. One of ordinary skill in the art would have found it obvious at the time of the invention to incorporate this technique with the motivation of presenting information in a format that is easily viewable for a physician so he or she can rapidly comprehend the information (Kameda: col. 9, line 46-col. 10, line1).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied art teaches a method and apparatus for displaying data (5,830,150); a method and system for flexibly organizing, recording, and displaying medical patient care information using fields in a flowsheet (5,682,526); a computerized calendar showing scheduled events which may be magnified, or scrolled within a monthly view (5,936,625); a central station waveform display having dedicated message user areas (5,788,646); a computer display system and method for facilitating access to patient data records in a medical information system (5,361,202); a method for displaying information from and information based computer system (5,325,478); a spreadsheet cell having multiple data fields (5,247,611); a method for

generating patient-specific flowsheets by adding/deleting parameters (4,878,175); an interactive medical information display system and method for displaying user-definable patient events (5,447,164); a method of display scrolling along a timebase and an apparatus for performing the method (6,380,953); an electronic medical records system (5,924,074); a medical information system (6,322,502); an intensive care information graphical display (5,921,920); a method and system for graphic representation of meeting parameters in a data processing system (5,323,314); a graphical computer system and method for appointment scheduling (5,970,466); and a collapsible flowsheet for displaying patient information in an electronic medical record (5,950,168).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MT



C. LUKE GILLIGAN
PATENT EXAMINER